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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,258	12/21/2005	Pierre-Dominique Bernard	56617/M521	3342
23363 7590 03/30/2009 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER STRIMBU, GREGORY J	
			ART UNIT 3634	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,258	Applicant(s) BERNARD ET AL.	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-37 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-34, 36, 37 and 39-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/06+12/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group I in the reply filed on December 8, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim 35 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 8, 2008.

Drawings

The drawings are objected to because the applicant has failed to use the proper cross sectional shading when showing the invention in a cross sectional view. For example, see figures 3A-3C. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

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the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the legal phraseology "means" on lines 2, 3, 5 and 6 and "said" on line 2 should be avoided. Additionally, "pertaining to" on line 2 is confusing since it is unclear what the applicant is attempting to set forth.

Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because it appears that "24" on line 34 of page 8 should be --14-- according to line 20 of page 8. Finally it is suggested the applicant

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avoid referring to the same element of the invention with different language. For example, the applicant should avoid referring to element 3 as a "cable pulley" on line 17 of page 9 and as a "deflection device" on lines 17-18 of page 9 and line 32 of page 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 22-34, 36, 37 and 39-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "is mounted movable on a socket with a slider" on line 5 of claim 22 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Does the slider facilitate the mounting of the deflection element on the socket? Recitations such as "different positions" on line 3 of claim 24 render the claims indefinite because it is unclear if the applicant is referring the positions set forth above or is attempting to set forth positions in addition to the positions set forth above. Recitations such as "displaceable" on line 2 of claim 25 render the claims indefinite because it is unclear what element(s) of the invention the deflection element is displaceable. Recitations such as "at least one pretensioned spring element" on line 2 of claim 29 render the claims indefinite because it is unclear how a compression spring can be tensioned. It appears that the tension spring should be compressed rather than tensioned. Recitations such as "a positive locking connection" on line 2 of claim 30

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render the claims indefinite because it is unclear with what element of the invention the fixing device is locked.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-24, 28, 30-34, 36, 37, 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Klippert et al. (6131482). Klippert et al. discloses a deflection device for a motor vehicle window lifter comprising:

a deflection element 23 for guiding a traction device 5 of the window lifter,

a spring device 4 for tightening the traction device;

wherein the deflection element is mounted movable on a socket 1 with a slider 2;

wherein, in order to tighten the traction device, the deflection element 23 is configured to be positionable by the spring device 4 mounted on the socket 1 into a number of different positions on the socket;

wherein the socket is fixable together with the deflection element and the spring device as one preassembled structural module on the window lifter;

wherein a fixing device 14 is provided on the socket 1 in order to fix the slider 2 on the socket 1 so long as the preassembled structural unit is not yet mounted on the window litter; and

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wherein the fixing device 14 is automatically releasable under the action of the traction device when the window lifter is brought into operation (see col. 7, ln. 36-41);

wherein the socket 1 forms a housing (claim 23);

wherein a guide 10 is provided on the socket 1 by which the deflection element 23 is guided so that the deflection element is positionable into different positions in order to tighten the traction device (claim 24);

wherein the deflection element 23 is mounted displaceable on the socket 1 (claim 25);

wherein the slider is guided in the guide (claim 28);

wherein the fixing device 14 is provided for a positive locking connection (claim 30);

wherein a locking device 3 is provided for locking the deflection element in different positions on the socket (claim 31);

wherein the locking device is a positive locking device (claim 32);

wherein the positive locking device 3 comprises a toothed region provided on one of the socket and on an insert part fitted therein (claim 33);

wherein another toothed region 1a is provided on the slider (claim 34);

wherein the locking device is locked during operation of the window lifter through the tension of the traction means device (claim 36);

wherein the locking device is releasable during relaxation of the traction device so that the deflection element is movable under the action of the spring device in order to tighten the traction device (claim 37)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 25-27, 29 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobrehel (US 5657580) in view of Klippert et al. Kobrehel discloses a deflection device for a motor vehicle window lifter comprising:

a deflection element 61 for guiding a traction device 28 of the window lifter,
a spring device 80 for tightening the traction device;
wherein the deflection element is mounted movable on a socket 21 with a slider 64;

wherein, in order to tighten the traction device, the deflection element 61 is configured to be positionable by the spring device 80 mounted on the socket 21 into a number of different positions on the socket;

wherein the socket is fixable together with the deflection element and the spring device as one preassembled structural module on the window lifter;

wherein the deflection element 61 is mounted displaceable on the socket 21 (claim 25);

wherein the slider 64 and the deflection element 61 are formed by separate parts, and wherein the deflection element and the slider are connected together (claim 26);

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wherein the deflection element 61 is fixed on the slider 64 by a stepped bolt 66 which engages engaging the slider 64 through an opening 65 in the slider (claim 27);

wherein the spring device 80 comprises at least one pretensioned spring element engaging the slider 64, wherein the at least one spring element has the tendency to move the slider so that the traction device 28 becomes taut (claim 29). Kobrehel is silent concerning a fixing device.

However, Klippert et al. discloses a cable tensioner comprising a fixing device 14 is provided on a socket 1 in order to fix a slider 2 on the socket 1 so long as the preassembled structural unit is not yet mounted on a window lifter; and wherein the fixing device 14 is automatically releasable under the action of the traction device when the window lifter is brought into operation (see col. 7, ln. 36-41).

It would have been obvious to one of ordinary skill in the art to provide Kobrehel with a fixing device, as taught by Klippert et al., in order to ensure the spring has the highest compression possible before the initial operation of the window lifter;

With respect to claim 39, Kobrehel discloses a drive 26.

With respect to claims 40 and 41, Kobrehel discloses parallel guideways 76, 78 arranged side by side for the follower.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/
Primary Examiner, Art Unit 3634